

E-filed 2/10/06

MICHAEL H. KING (Admitted)
SPENCER R. WOOD (Admitted *Pro Hac Vice*)
LEBOEUF, LAMB, GREENE & MACRAE LLP
Two Prudential Plaza
180 North Stetson Avenue, Suite 3700
Chicago, Illinois 60601
Telephone: (312) 794-8000
Facsimile: (312) 794-8100

SETH W. WIENER (State Bar No. 203747)
LEBOEUF, LAMB, GREENE & MACRAE LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111-3619
Telephone: (415) 951-1100
Facsimile: (415) 951-1180

Attorneys for Plaintiff
EDO Reconnaissance and Surveillance Systems, Inc.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EDO RECONNAISSANCE AND
SURVEILLANCE SYSTEMS, INC., a Delaware
Corporation,

Plaintiff,

v.

PHOENIX LOGISTICS, INC., an Arizona
Corporation, RAYMOND BELLEFEUILLE, an
individual, and CLAIRE BELLEFEUILLE, an
individual,

Defendants.

Case No. C 05-02789 JF

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
COMPLETE EARLY NEUTRAL
EVALUATION**

WHEREAS, on November 18, 2005, the Court held a case management conference in this action, and ordered Plaintiff EDO Reconnaissance and Surveillance Systems, Inc. ("EDO RSS") and Defendant Phoenix Logistics, Inc. ("PLI") to complete an Early Neutral Evaluation on or before March 17, 2006;

WHEREAS, on December 20, 2005, the Alternative Dispute Resolution Clerk appointed Paul A. Renne, Esq. as the Early Neutral Evaluation Evaluator;

WHEREAS, on January 27, 2006, Mr. Renne held a telephone conference to discuss scheduling of the Early Neutral Evaluation and learned that the parties have been arbitrating another

dispute and are awaiting a final arbitration award, which is due by March 2, 2006. Mr. Renne scheduled the Early Neutral Evaluation for March 3, 2006, at 9:00 a.m., but stated that the Early Neutral Evaluation would likely be more productive if it occurred after the parties have resolved anticipated motions relating to the legal impact of the final arbitration award on this action and a related state court action. Accordingly, Mr. Renne suggested that the parties seek an Order extending the deadline to complete the Early Neutral Evaluation, and the parties agreed to do so.

WHEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff EDO Reconnaissance and Surveillance Systems, Inc. and Defendants Phoenix Logistics, Inc. that the deadline to complete an Early Neutral Evaluation in the above-captioned action is extended from March 17, 2006 to May 17, 2006.

SO STIPULATED:

Dated: February 8, 2006

LEBOEUF, LAMB, GREENE & MACRAE LLP

By: /S/ Seth W. Wiener
Seth W. Wiener
Attorney for Plaintiff EDO RECONNAISSANCE
AND SURVEILLANCE SYSTEMS, INC.,

Dated: February 8, 2006

By: /S/ Mark L. Venardi
Mark L. Venardi
Attorney for Defendants PHOENIX LOGISTICS,
INC.

IT IS HEREBY ORDERED that that the deadline to complete an Early Neutral Evaluation in the above-captioned action is extended from March 17, 2006 to May 17, 2006.

SO ORDERED:

10

Dated: February __, 2006


United States District Court Judge Jeremy Fogel

PROOF OF SERVICE

I, Donna Karbach, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen and not a party to the within cause; my business address is LeBoeuf, Lamb, Greene & MacRae LLP, One Embarcadero Center, Fourth Floor, San Francisco, California 94111. On February 8, 2006, I caused to have served the following document(s) in the manner indicated on the below-named parties and/or counsel of record:

• **STIPULATION AND PROPOSED ORDER EXTENDING TIME TO COMPLETE EARLY NEUTRAL EVALUATION**

☒ [X] U.S. Mail, with First Class postage prepaid and deposited in sealed envelopes at San Francisco, California.
☐ [] Federal Express
☐ [] Facsimile transmission
☐ [] Electronic filing
☒ [X] Email

Mark L. Venardi
H. Larry Elam III
Venardi – Elam LLP
The Ordway Building, Suite 445
One Kaiser Plaza
Oakland, CA 94612
Tel: (510) 452-4300
Fax: (510) 452-4303
mvenardi@vettrialattys.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am readily familiar with this firm's practice for the collection and processing of documents for mailing with the U.S. Postal Service and the collection and processing of correspondence with Federal Express, and the transmittal of facsimile and that this declaration was executed on February 8, 2006, at San Francisco, California.

/S/ Donna Karbach
Donna Karbach